

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONNIE CHI WAN,

Plaintiff,

vs.

PULTE MORTGAGE, *et al.*,

Defendants.

Case No. 2:13-cv-01362-RCJ-GWF

ORDER

Motion to Strike Amended
Complaint (#29)

This matter is before the Court on Defendant JPMorgan Chase Bank, N.A.'s ("Chase") Motion to Strike Amended Complaint (#29), filed on June 6, 2014. No opposition was filed in this matter.

On August 1, 2013, Plaintiff Ronnie Chi Wan, *pro se*, filed his Complaint (#1) alleging that Defendants did not have authority to execute and record a Notice of Default and Election to Sell Under a Deed of Trust and proceed with foreclosure of Plaintiff's property. Defendant JPMorgan Chase Bank, N.A. filed its Answer (#7) on August 27, 2013. On May 30, 2014, Plaintiff filed an Amended Complaint (#27) requesting relief in the form of specific performance and withdrawing his first cause of action for failure to comply with RESPA Rules. Defendant now moves this Court for an Order striking Plaintiff's Amended Complaint.

Pursuant to Rule 15(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading. *See* Fed. R. Civ. P. 15(a)(1). In all other cases, a party may only amend its pleading with the opposing party's written consent or with the court's leave. *See* Fed. R. Civ. P. 15(a)(2). Although courts have generally adopted a liberal standard in allowing

1 parties to amend their pleadings, that does not allow parties to circumvent Rule 15(a) and amend
2 their complaint without the Court's permission. *Id.* Here, over nine months have passed since
3 Defendant's Answer was filed. Therefore, pursuant to Rule 15(a)(2), Plaintiff must seek the
4 opposing party's written consent or the Court's leave before filing an amended complaint. Plaintiff
5 failed to obtain consent from either before filing his Amended Complaint (#27). Accordingly,

6 **IT IS HEREBY ORDERED** that Defendant JPMorgan Chase Bank, N.A.'s ("Chase")
7 Motion to Strike Amended Complaint (#29) is **granted**.

8 **IT IS FURTHER ORDERED** that Plaintiff's Amended Complaint (#27) be **stricken**
9 without prejudice.

10 DATED this 25th day of June, 2014.

11
12 

13 GEORGE FOLEY, JR.
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28